

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

XR COMMUNICATIONS, LLC, dba
VIVATO TECHNOLOGIES,

Plaintiff,

v.

VERIZON COMMUNICATIONS, INC.,
CELLCO PARTNERSHIO d/b/a
VERIZON WIRELESS,

Defendants,

ERICSSON INC.,

Intervenor.

Case No. 2:23-cv-00470-JRG-RSP
(Lead Case)

JURY TRIAL DEMANDED

**PLAINTIFF XR COMMUNICATIONS, LLC'S ANSWER TO
INTERVENOR ERICSSON INC.'S COUNTERCLAIMS (DKT. NO. 35)**

Plaintiff XR Communications, LLC dba Vivato Technologies (“XR” or “Plaintiff”) hereby answers the Counterclaims of Intervenor Ericsson, Inc. (“Ericsson” or “Intervenor”) (Dkt. No. 35) as follows:

PARTIES

1. Admitted.
2. Admitted.
3. Admitted

JURISDICTION AND VENUE

4. Admitted.
5. Admitted.
6. Plaintiff admits that venue is proper in this district over Plaintiff’s claims and Intervenor’s counterclaims. Except as expressly admitted, Plaintiff denies the allegations of Paragraph 6.

NATURE OF THE ACTION

7. Admitted.
8. Admitted.
9. Plaintiff lacks information or belief to either admit or deny the allegations of Paragraph 9 and denies the allegations on that basis.
10. Plaintiff admits that the allegations of Intervenor’s counterclaims speak for themselves. Except as expressly admitted, Plaintiff denies the allegations of Paragraph 10.
11. Plaintiff admits that the allegations of Intervenor’s counterclaims speak for themselves. Except as expressly admitted, Plaintiff denies the allegations of Paragraph 11.
12. Paragraph 12 of the counterclaims is unintelligible. To the extent a response is required, Plaintiff denies the allegations of Paragraph 12.

First Counterclaim

Declaratory Judgment of Non-Infringement of the ’256 Patent

13. Plaintiff incorporates by reference the responses to the paragraphs above.

14. Plaintiff admits that the allegations of its Complaint speak for themselves. Except as expressly admitted, Plaintiff denies the allegations of Paragraph 14.

15. Admitted.

16. Denied.

17. Admitted.

18. Paragraph 18 is a statement of the relief sought by Intervenor and requires no response. To the extent a response is required, Plaintiff denies the allegations.

Second Counterclaim

Declaratory Judgment of Non-Infringement of the '569 Patent

19. Plaintiff incorporates by reference the responses to the paragraphs above.

20. Plaintiff admits that the allegations of its Complaint speak for themselves. Except as expressly admitted, Plaintiff denies the allegations of Paragraph 20.

21. Admitted.

22. Denied.

23. Admitted.

24. Paragraph 24 is a statement of the relief sought by Intervenor and requires no response. To the extent a response is required, Plaintiff denies the allegations.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief with respect to Intervenor's counterclaims:

- A. A dismissal with prejudice of Intervenor's counterclaims;
- B. An adjudication that Intervenor is not entitled to any relief on its counterclaims, including, without limitation, any fine or damages; and
- C. Costs and such further relief to which Plaintiff is entitled, and which the Court deems just and equitable.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all issues so triable.

Dated: February 13, 2024

Respectfully submitted,

/s/ Reza Mirzaie
Reza Mirzaie

RUSS AUGUST & KABAT
12424 Wilshire Blvd., 12th Floor
Los Angeles, California 90025
Telephone: (310) 826-7474
Facsimile: (310) 826-6991

Attorneys for Plaintiff
*XR Communications, LLC dba Vivato
Communications*

CERTIFICATE OF SERVICE

I hereby certify that the counsel of record who are deemed to have consented to electronic service are being served on February 13, 2024 with a copy of this document via the Court's ECF system.

DATED: February 13, 2024

Respectfully submitted,

By: /s/ Reza Mirzaie
Reza Mirzaie